SUMMARY OF FACTS

The Findings

The following information was gleaned from the criminal investigation by Detective Division investigator, Sergeant Richard Longshore, and interviews of individuals during the administrative investigation.

The person arrested in this case, [redacted] MH/16, had a history of associating with [redacted] MH/36. [redacted] was the [redacted] of the "Video City Store," 8011 South Atlantic Avenue, Cudahy. On the day in question, [redacted] had asked one of [redacted] employees to call East Los Angeles Sheriff's Station about a theft of small batteries that [redacted] felt [redacted] had committed. On the evening of the call, [redacted] had been in the store and [redacted] wanted him to stay away and not come back. [redacted] had frequented the store often in the past to play the video games and in [redacted]' mind, [redacted] had been a trouble-maker.

[redacted] had confronted [redacted] about the battery theft and according to [redacted], [redacted] pointed a handgun at him and ordered the juvenile out of the store. [redacted] would eventually deny the gun issue but told others later, including [redacted], to lie for him about doing it. [redacted] left the video store and walked north in the shopping center to the Pic-N-Save Store. The shopping center is an "L" shapped structure that faces north and east. A common parking lot serves the entire center and is accessible from Atlantic Avenue and Elizabeth Street. The video store is in the corner of the "L" and the Pic-N-Save is 260 feet north of the video store mid-way up the long side of the "L." There are four businesses between the video store and Pic-N-Save. When [redacted] left the video store, he walked approximately 260 feet and sat on a railing in front of the Pic-N-Save Store.

According to [redacted], he saw [redacted] and another male Hispanic, in his 20's, in front of the video store talking and looking toward [redacted]. When they stopped talking, the male Hispanic walked the 260 feet to [redacted] location and punched him in the face. A Pic-N-Save security guard, [redacted] and other Pic-N-Save employees saw the incident. Then, [redacted] escorted [redacted] to the lunch room area at Pic-N-Save to assist him. While in the lunch room, [redacted] called East Los Angeles Station to report the battery to [redacted].

This series of events involving [redacted] explains the two calls received at East Los Angeles Station that resulted in two Sheriff's units responding to the shopping center.

Unit 26A, Subject Santos and his partner, Deputy [redacted], received Tag 163 at 2021 hours. This call was initiated from the video store by one of [redacted]' employees. It concerned the thefts of batteries by the juvenile, [redacted]. Unit 26A was at the Cudahy Office when they received the call. [redacted].

Subject Santos and Deputy [redacted] decided that [redacted] would remain at the Cudahy Office [redacted] while Subject Santos would respond to the video store and handle the call. A civilian ride-along, [redacted], MH/21, accompanied Subject Santos to the call.

Subject Santos drove into the parking lot off of Elizabeth Street and was driving southbound along the business fronts looking for the video store. He wasn't exactly sure where it was in the complex. He would eventually find it at the crook of the "L" approximately 500 feet from where he entered the driveway.

When Subject Santos was driving into the business complex was about the same time the second call was being dispatched to Unit 26T. Deputy Armando Guzman (Unit 26T) received Tag 166 at 2039 hours. It was the call initiated by the security guard at Pic-N-Save. It directed Guzman to see the security guard at 7921 South Atlantic (Pic-N-Save) regarding a suspicious person. Subject Santos did not recall hearing this call dispatched.

The events that occurred when Subject Santos drove past the businesses to his call at the video store became the focus of attention in this investigation. Subject Santos' interpretation of the events and how they relate to his reporting of them are the origin of the inaccuracies in his report he would admit to later.

Subject Santos drove past the Pic-N-Save Store. He stopped momentarily when he alleged he saw a male Hispanic walking with some difficulty in front of the Pic-N-Save Store. The male Hispanic stopped to lean against the wall. Subject Santos positioned his

radio car adjacent to the male and Subject Santos yelled out of the right side passenger window asking if he was "O.K." Hearing no reply, Subject Santos continued driving on toward the video store. The male Hispanic Subject Santos had seen was not [redacted]. Nor did he figure into this case in any other way. Subject Santos stopped at the video store and went in to talk to [redacted], the [redacted].

The ride-along, [redacted], reported that Santos drove past a group of four to five teenagers and that Santos shouted something at the group before continuing on to the video store.

Meanwhile, Unit 26T, Deputy Armando Guzman, arrived at the Pic-N-Save Store. The time was 2040 hours. Deputy Guzman went into the store and met the security guard, [redacted], MH/20, in the store lunch room where [redacted] had left the juvenile, [redacted], since he called East Los Angeles Station. Deputy Guzman's interpretation of [redacted]' story of events was that [redacted] was a suspect, not a victim. [redacted] told of the battery theft and being threatened with a gun or knife at the video store. He also admitted that he had smoked marijuana. Deputy Guzman asked [redacted] to accompany him to the video store. They headed toward Deputy Guzman's radio car.

Subject Santos had contacted the video store [redacted], [redacted], and learned of the battery thefts and constant troublesomeness of [redacted]. As [redacted] and Subject Santos had left the store so that [redacted] could show Subject Santos which way [redacted] had gone, they looked toward Pic-N-Save and saw Deputy Guzman's radio car. Subject Santos saw Guzman putting [redacted] into the back seat and he motioned to Deputy Guzman to come to the video store. Subject Santos thought [redacted] was the same person he described in front of Pic-N-Save when he had driven in earlier.

When Guzman arrived at Subject Santos' location (video store), [redacted] was in the back seat, uncuffed. A very brief conversation between Subject Santos and Deputy Guzman occurred. Guzman told Subject Santos that he thought the juvenile was related to Santos' call. Guzman did not tell Subject Santos that [redacted] was under the influence of any drug, nor did he mention the security guard or events that [redacted] had described.

[redacted] reminded Subject Santos that [redacted] used to work for [redacted] but that he stole things and he just wanted [redacted] to stay away from the store.

Subject Santos checked the juvenile's pupils for objective drug symptoms. Subject Santos spoke to [redacted] to determine if he was in any way intoxicated. [redacted] asked Santos where the police had been 30 minutes earlier when he was beaten up by people [redacted] had hired. Subject Santos did not think that [redacted]' statement made any sense. That, coupled with Santos' earlier observations at the Pic-N-Save (Subject Santos thought he saw [redacted] there) and what he now perceived as constricted pupils, led Subject Santos to believe [redacted] was under the influence of cocaine.

It is apparent that a very poor investigation was conducted by Subject Santos. However, his poor investigation was compounded by the lack of information that could have been offered by assisting Deputy Guzman, but was not. If Subject Santos had known, for instance, that the security guard at Pic-N-Save had seen [redacted] hit and had kept him in the lunch room, Subject Santos would have realized that the person he thought he had seen at Pic-N-Save could not have been [redacted].

Subject Santos' narcotics expertise, too, is probably lacking. He told Investigator Longshore that he had received the regular [redacted] that all LASD patrol personnel receive. He added that he had participated in the arrest of 300-400 narcotics suspects. This is likely to be an exaggeration of his abilities. Facts that came to light later in the investigation suggest that [redacted] had smoked marijuana on that day, but then only an approximate one-half joint. The opinion that Subject Santos formed about [redacted]' use of cocaine may have been flawed.

Subject Santos transported [redacted] to the Cudahy Office where his partner, Deputy [redacted], was working [redacted].

Deputy [redacted] assumed some mechanical responsibilities regarding [redacted], pupilometer examination, urine test forms, and booking slip while Subject Santos telephoned [redacted]' parents.

When [redacted]' parents arrived to pick up their son, they spoke with Subject Santos. He took enough time, 30 minutes or more, to explain his concerns about their son and his drug use. They were impressed with Subject Santos' efforts, so much so, that they remarked to Deputy Patty Rodriguez, East Los Angeles Station Detective Bureau, about it later when they met with her. Subject Santos ultimately released the juvenile to his parents and they left the Cudahy Office.

Later, the parents would express doubt as to the accuracy of the drug charges. They ultimately took their son to a medical clinic for testing, but the time lapse was enough to prevent accurate results. [redacted] had denied the opportunity for a urine test sample at the Cudahy Office.

When Subject Santos sat down to write the report is when the visible problems with this case begin. His initial paragraph describes, "we," both deputies' names are on the report, as driving into the parking lot. There, suspect is seen walking on the sidewalk according to the report. The person seen, we would later learn, was not the suspect, [redacted]. He was being detained by the Pic-N-Save security guard inside the store. The person described as suspect in front of the store has to be someone else not even related to this case. Subject Santos may have thought later that he had seen [redacted] there, but it was not possible.

The second paragraph describes this person as having difficulty maintaining his balance while walking, and the report next says, "We stopped to check on [redacted]' sobriety." Subject Santos did stop, but only to lean over and look out the passenger side window at the person who he is describing as [redacted].

The report goes on, "As we approached [redacted], we saw that he appeared oblivious to our presence and was unable to answer any of our questions." Subject Santos did not get out of the car and approach the person he thought was [redacted]. This portion of the report is totally inaccurate as to the time frame that it implies. Subject Santos later explained that he was talking about the time period when Deputy Guzman had driven [redacted] from the Pic-N-Save to the video store and Subject Santos questioned him. As it is represented in the report, it suggests that the contact occurred as a short term sequence of events. That is simply not the case.

The fourth paragraph describes [redacted]' symptoms and how Deputy [redacted] measured [redacted]' pupils with a pupilometer. This did occur, however, not in the time frame that the report suggests. Deputy [redacted] remained at the Cudahy Office when Subject Santos drove to the video store call. It was not until after Subject Santos returned with [redacted] to the Cudahy Office that Deputy [redacted] performed the eye measurements. A later paragraph in the report says [redacted] was transported to the Cudahy Office.

In the report, the fifth paragraph describes their (both deputies) opinion that [redacted] was under the influence of cocaine and transported to the Cudahy Office for booking.

Interestingly, nowhere in the report does it say that [redacted] was placed under arrest. The balance of the report describes procedural issues that do not impact this investigation.

Clearly, the inconsistencies that surfaced, the doubtful drug influence of [redacted], being punched in the face while in front of the Pic-N-Save Store, and being threatened by [redacted] with a gun indicate that Subject Santos failed to do a proper investigation.

When he wrote his report and moved activity around to accommodate his legal needs, it led to the criminal investigation by Sergeant Longshore.

Sergeant Longshore's investigation determined that there was no criminal intent on the part of Subject Santos, consequently, the case was returned to East Los Angeles Station to be resolved administratively.